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FILED

NOV 20 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

EMISON • HULLVERSON • BONAGOFSKY LLP
ATTORNEYS AT LAW

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

THERESA MONSEUR KELLY,
Plaintiff,

vs.

UNUM LIFE INSURANCE COMPANY
OF AMERICA, UNUMPROVIDENT,
CORPORATION, MDL INFORMATION
SYSTEMS, INC., and MDL HEALTH PLAN,
Defendants.

Case No. C 05-02915-CW

**NOTICE OF CONCLUSION OF
REASSESSMENT PROCESS**

&

**STIPULATION TO CONTINUE THE
11/20/07 CMC TO 1/22/08 AND
~~PROPOSED~~ ORDER THEREON**

NOTICE AND STIPULATION

The parties stipulate as follows: This action has been stayed pursuant to the Court's order in order to allow for the defendant to reassess the plaintiff's disability claim. The

1 reassessment process has now concluded, and the defendant has ruled in the plaintiff's favor,
 2 reversing its previous decision to terminate disability benefits to the plaintiff. As a result, the
 3 defendant has paid past-due benefits to the plaintiff and reinstated her disability claim.
 4 Accordingly, the Court will not need to address the core issue as to whether the defendants
 5 wrongly terminated the plaintiff's disability benefits.

6 The parties now wish to address and attempt to resolve any remaining, ancillary issues,
 7 including the plaintiff's request for attorney's fees. The parties are hopeful that they will be able
 8 to resolve all such issues and submit a Stipulation and Proposed Order of Dismissal within the
 9 next 60 days. The parties therefore request the continuation of the Case Management
 10 Conference until January 22, 2008 so that they can work to resolve all issues.

11 Dated: November 15, 2007

THE WOOD LAW FIRM, PLLC

12
 13 By /s/ John D. Wood
 14 John D. Wood (Admitted Pro Hac Vice)
 15 Attorneys for Plaintiff
 16 THERESA MONSEUR KELLY

17 Dated: November 15, 2007

EMISON, HULLVERSON, BONAGOFISKY

18
 19 By /s/ Theo J. Emison
 20 Theo J. Emison
 21 Attorneys for Plaintiff
 22 THERESA MONSEUR KELLY

23 Dated: November 15, 2007

KELLY, HERLIHY & KLEIN, LLP

24 By /s/ Thomas M. Herlihy
 25 Thomas M. Herlihy
 26 Attorneys for Defendants
 27 UNUM LIFE INSURANCE COMPANY OF
 28 AMERICA and UNUM PROVIDENT CORPORATION


PROPOSED ORDER

The Court accepts the stipulation of the parties. It is therefore ORDERED that the 2:00 p.m. November 20, 2007 Case Management Conference is continued to 2:00 p.m., January 22,

1 2008.

2 IT IS SO ORDERED.

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4 NOV 20 2007

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CLAUDIA WILKEN, JUDGE OF THE
UNITED STATES DISTRICT COURT

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